

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**LUV N' CARE, LTD. and ADMAR  
INTERNATIONAL, INC.,**

**11 CV 2460 (SAS)**

**Plaintiffs/Counterclaim Defendants,**

**-vs.-**

**MAYBORN USA, INC.,**

**Defendant/Counterclaim Plaintiff.**

**DECLARATION OF DEEPRO MUKERJEE IN SUPPORT OF  
DEFENDANT MAYBORN USA INC.'S STATEMENTS OF UNDISPUTED  
MATERIAL FACTS PURSUANT TO LOCAL CIVIL RULE 56.1**

Deepro Mukerjee hereby declares under penalty of perjury pursuant to 28 U.S.C.

§ 1746 as follows:

1. I am a member of the Bar of this Court and a partner at the law firm of Alston & Bird LLP, counsel for Defendant Mayborn USA, Inc. ("Mayborn").
2. I make this declaration in support of Mayborn's Motion for Summary Judgment and Statements of Undisputed Material Facts Pursuant to Local Civil Rule 56.1.
3. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. D634,439S, dated March 15, 2011.
4. Attached hereto as Exhibit 2 is a true and correct copy of the U.S. Design Patent No. D617,465 dated June 8, 2010.
5. Attached hereto as Exhibit 3 is a true and correct copy of the currently pending U.S. Patent Application No. 10/536,106.

6. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent Number 6,994,225 B2, dated February 7, 2006.

7. Attached hereto as Exhibit 5 is a true and correct copy of portions of the file history of the D465 patent.

8. Attached hereto as Exhibit 6 is a true and correct copy of U.S. Patent Number 6,102,245, dated August 15, 2000.

9. Attached hereto as Exhibit 7 is a true and correct copy of U.S. Design Patent Number D457,778, dated May 28, 2002.

10. Attached hereto as Exhibit 8 is a true and correct copy of U.S. Design Patent No. D460,322, published July 16, 2002.

11. Attached hereto as Exhibit 9 is a true and correct copy of Japan Patent Office Registered Design Number D129061, dated December 17, 2001.

12. Attached hereto as Exhibit 10 is a true and correct copy of U.S. Patent No. 6,321,931, dated November 27, 2001.

13. Attached hereto as Exhibit 11 is a true and correct copy of U.S. Patent Application Publication No. US 2002/0066741 A1, dated June 6, 2002.

14. Attached hereto as Exhibit 12 is a true and correct copy of portions of Cooper C. Woodring's Design Patent and Trade Dress Infringement Reports.

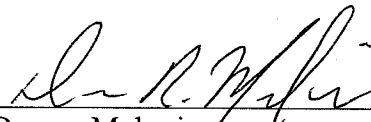
15. Attached hereto as Exhibit 13 is a true and correct copy of U.S. Patent Number D387,247, dated December 9, 1997.

16. Attached hereto as Exhibit 14 is a true and correct copy of pictures of the packaging for the Nuby Soft Spout No-Spill Cups.

17. Attached hereto as Exhibit 15 is a true and correct copy of portions of the

February 16, 2012 deposition of Nouri Edward Hakim.

Dated: February 27, 2012

  
Deepro Mukerjee